

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:

**AREDIA® AND ZOMETA® PRODUCTS
LIABILITY LITIGATION**

(MDL No. 1760)

This Document Relates To Case Nos.:

**3:07-CV-01184; 3:07-CV-01185; 3:07-CV-01186;
3:07-CV-01187; 3:07-CV-01188; 3:07-CV-01189;
3:07-CV-01190; 3:07-CV-01191; 3:07-CV-01192;
3:07-CV-01193; 3:07-CV-01194; 3:07-CV-01195;
3:07-CV-01196; 3:07-CV-01197; 3:07-CV-01198;
3:07-CV-01199; 3:07-CV-01200; 3:07-CV-01201;
3:07-CV-01202; 3:07-CV-01203; 3:07-CV-01204;
3:07-CV-01205; 3:07-CV-01206; 3:07-CV-01207;
3:07-CV-01208; 3:07-CV-01209; 3:07-CV-01210;
3:07-CV-01211; 3:07-CV-01212; 3:07-CV-01213;
3:07-CV-01225; 3:07-CV-01226; 3:07-CV-01280**

No. 3:06-MD-1760

JUDGE CAMPBELL

MAGISTRATE JUDGE BROWN

**NOVARTIS PHARMACEUTICALS CORPORATION'S
MOTION FOR A SECTION 1404(a) VENUE TRANSFER OF THE SEVERED
ANDERSON, BECKER AND WOOD ACTIONS TO PLAINTIFFS' HOME FORA
FOLLOWING THE CLOSE OF MDL DISCOVERY IN EACH CASE**

Pursuant to 28 U.S.C. §1404(a), Novartis Pharmaceuticals Corporation (“NPC”) requests that, following the close of MDL discovery in each case, the Court transfer the claims of the plaintiffs in the severed *Anderson*, *Becker* and *Wood* cases to each respective plaintiff’s home forum – the federal district where the plaintiff resides, where the plaintiff’s alleged injuries occurred, where the plaintiff’s claims arose, and where important non-party witnesses, namely, treating medical care providers who cannot be compelled to testify at trial in this Court, are located.¹

¹ In the Case Management Order (“CMO”), the Court requested briefing on “the appropriate venue of the severed actions for trial.” (Docket #89 at 39). As set forth in the accompanying memorandum in support of this motion,

The grounds for this motion are set forth in more detail in the accompanying Memorandum in Support of Novartis Pharmaceuticals Corporation's Motion for a Section 1404(a) Venue Transfer of the Severed *Anderson, Becker* and *Wood* Actions to Plaintiffs' Home Fora Following the Close of MDL Discovery in Each Case ("Supporting Memorandum"). Accordingly, for the convenience of the parties and witnesses and in the interest of justice, this Court should transfer the claims of each plaintiff to the appropriate federal district as set forth in the Supporting Memorandum.

NPC respectfully requests that the Court grant oral argument on the merits of the instant motion.

Respectfully submitted,

Dated: January 14, 2008

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Novartis is proposing that these cases be transferred following the close of MDL discovery in each case. The appropriate trial venue for the claims of plaintiffs Foster and Montgomery, both of whom claim Tennessee as their place of residence, is separately addressed at the end of that memorandum, which otherwise addresses the claims of the other 30 plaintiffs.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of January 2008, a true and correct copy of the foregoing Novartis Pharmaceuticals Corporation's Motion for a Section 1404(a) Venue Transfer of the Severed *Anderson, Becker* and *Wood* Actions to Plaintiffs' Home Fora Following the Close of MDL Discovery in Each Case was served by operation of the Court's Electronic Case Filing System on the following, including Plaintiffs' Liaison Counsel:

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